

UNITED STATES DISTRICT COURT

Southern

District of

New York

Picture Patents, LLC

SUMMONS IN A CIVIL ACTION

V.

Aeropostale, Inc.  
Dick's Sporting Goods, Inc.  
Charlotte Russe, Inc.  
GSI Commerce Solutions, Inc.  
Fogdog, Inc.  
National Basketball Association, Inc.  
NBA Properties, Inc.  
NBA Media Ventures, LLC  
Major League Baseball Properties, Inc.  
MLB Advanced Media, L.P.  
Linens 'n Things, Inc.  
Tweeter Home Entertainment Group, Inc.  
Tweeter Newco, LLC  
Tweeter Opco, LLC  
Buy.com, Inc.

CASE NUMBER: 07cv5567

TO: MLB Advanced Media, L.P.  
75 Ninth Avenue  
New York, NY 10011

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY

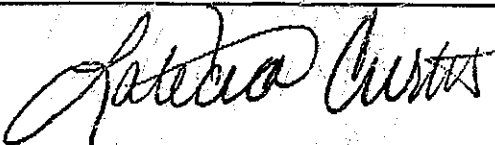
Thomas J. Parker  
Alston & Bird LLP  
90 Park Avenue  
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

**FEB 13 2008**

CLERK



DATE

(By) DEPUTY CLERK

OAO 440 (Rev. 8/0 1) Summons in a Civil Action

**RETURN OF SERVICE**

Service of the Summons and complaint was made by me(1)	DATE
NAME OF SERVER (PRINT)	TITLE

*Check one box below to indicate appropriate method of service*☐ Served personally upon the defendant. Place where served:☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
PICTURE PATENTS, LLC,  
Plaintiff(s),

Index No. 07CV5567

-against-

AFFIDAVIT OF SERVICE

AEROPOSTALE, INC. DICK'S SPORTING  
GOODS, INC., et al.,  
Defendant(s).

-----X  
STATE OF NEW YORK)  
S.S.:  
COUNTY OF NEW YORK)

ROBERT MILLS, being duly sworn, deposes and says that he is over the age of eighteen years, is employed by the attorney service, DLS, INC., and is not a party to this action.

That on the 14<sup>th</sup> day of February 2008, at approximately 2:40 p.m., deponent served a true copy of the **SUMMONS IN A CIVIL ACTION, SECOND AMENDED COMPLAINT JURY TRIAL DEMAND, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN, INDIVIDUAL PRACTICES OF JUDGE JOHN G. KOELTL AND 3<sup>RD</sup> AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL** upon MLB Advanced Media, L.P. at 75 Ninth Avenue, 5<sup>th</sup> Floor, New York, NY 10011, by personally delivering and leaving the same with Sue Ellen Dockery, Legal Assistant, who informed deponent that she is an agent authorized by appointment to receive service at that address.

Sue Ellen Dockery is a white female, approximately 46 years of age, stands approximately 5 feet 9 inches tall and weighs approximately 170 pounds with brown hair and blue eyes.

Robert Mills  
ROBERT MILLS #1004298

Sworn to before me this  
21<sup>st</sup> day of February, 2008

  
NOTARY PUBLIC

JONATHAN T. RIPPS  
Notary Public, State of New York  
NO. 01R16109718  
Qualified in Rockland County  
Certificate Filed in New York County  
Commission Expires May 17, 20 